



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

**MEMO ENDORSED**

March 15, 2017

**BY ECF**

The Honorable Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

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**Re: *United States v. Joseph Percoco, et al.*, 16 Cr. 776 (VEC)**

Dear Judge Caproni:

The Government respectfully submits this letter in response to the Court's order dated March 13, 2017 (the "March 13 Order"), which required the Government to respond in its March 17, 2017 discovery update letter to the discovery requests set forth in the defendants' joint letter dated March 10, 2017 (the "March 10 Letter").

In the March 10 Letter, the defendants raise several issues related to the Government's ongoing discovery production, including the format and volume of discovery, and also note other discovery issues that have since been resolved. The defendants communicated some of these concerns to the Government, as well as other requests, in seven separate letters, two of which were sent in late December and the remainder of which were sent in the last 15 to 30 days. The Government had been working diligently, both internally and with external vendors with technical expertise to respond to these inquiries, as well to other inquiries raised by the defendants in recent email communications.

Consistent with the March 13 Order, the Government will respond on March 17, 2017 to the significant majority of the inquiries raised in the defendants' various communications, in particular those that are technical and/or document-specific in nature. However, the Government respectfully requests one additional week to respond to the defendants' requests related to (i) *Brady* material, which will supplement a response already provided by the Government on this topic, as

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well as (ii) requests by defendants Steven Aiello, Joseph Gerardi and Joseph Percoco for the production of additional discovery (including items not subject to Federal Rule of Evidence 16), as these requests require further analysis that the Government does not expect to be able to complete by Friday, March 17, 2017.

Respectfully submitted,

JOON H. KIM

Acting United States Attorney for the  
Southern District of New York

By: /s Matthew Podolsky

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David Zhou/Matthew Podolsky  
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cc: Counsel for all defendants (via ECF)

Application GRANTED.

SO ORDERED.



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

3/15/2017